

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JEFFREY ALAN SPINDEL and KEVIN
McCARTHY, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

GORTON'S INC.,

Defendant.

Civil Action No. 1:22-cv-10599

**DECLARATION OF MARA THEOPHILA IN FURTHER SUPPORT OF
DEFENDANT GORTON, INC.'S MOTION TO DISMISS**

I, Mara Theophila, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am over the age of 21. I am counsel for Gorton's, Inc. ("Gorton's"). I submit this Declaration in support of Gorton's Motion to Dismiss the Complaint.
2. The Complaint includes a picture of Gorton's Signature Grilled Tilapia as an example of a Gorton's tilapia "[p]roduct packaging with a sustainability claim." (Compl. ¶ 3.)
3. Attached as Exhibit 1 is a true and complete copy of the Gorton's Grilled Tilapia – Signature Grilled package cited in the Complaint.
4. Attached as Exhibit 2 is a true and complete copy of the webpage titled "We Are Gorton's," available on Gorton's website at <https://www.gortons.com/we-are-gortons/> and last accessed on June 20, 2022.
5. Attached as Exhibit 3 is a true and complete copy of the webpage titled "Frequently Asked Questions," available on Gorton's website at <https://www.gortons.com/frequently-asked-questions/> and last accessed on June 20, 2022.

6. Attached as Exhibit 4 is a true and complete copy of the webpage titled “Responsibility,” available on Gorton’s website at <https://www.gortons.com/sustainability/> and last accessed on June 20, 2022.

7. Attached as Exhibit 5 is a true and complete copy of the October 14, 2013 article titled “Gorton’s, Aquarium See Partnering Gains,” available on Gorton’s website at <https://www.gortons.com/gortons-aquarium-see-partnering-gains/> and last accessed on June 20, 2022.

8. Attached as Exhibit 6 is a true and complete copy of the December 18, 2018 article titled “Gorton’s Seafood and The New England Aquarium Celebrate 10 Years of Improving and Promoting Sustainable Fisheries,” available on Gorton’s website at <https://www.gortons.com/gortons-seafood-and-the-new-england-aquarium-celebrate-10-years-of-improving-and-promoting-sustainable-fisheries/> and last accessed on June 20, 2022.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: Boston, Massachusetts
June 22, 2022

/s/ Mara Theophila
Mara Theophila (BBO # 704763)